

REMARKS

Applicants have considered the May 18, 2006 Office Action, and the amendments above together with the comments that follow are presented in a bona fide effort to address all issues raised in that Action and thereby place this case in condition for allowance. Claims 1-20 are pending in this application. In response to the Office Action dated May 18, 2006, the specification has been amended at pages 21 and 22 to correct a typographical error. Care has been exercised to avoid the introduction of new matter. Adequate descriptive support for the present Amendment should be apparent throughout the originally filed disclosure as, for example, the depicted embodiments and related discussion thereof in the written description of the specification. Applicants submit that the present Amendment does not generate any new matter issue. Entry of the present Amendment is respectfully solicited. It is believed that this response places this case in condition for allowance. Hence, prompt favorable reconsideration of this case is solicited.

Claims 1, 4-12 and 20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Roh (U.S. Pat. App. Pub. No. 2003/0072996, hereinafter Roh). Applicants respectfully traverse the rejection.

Roh, at numbered paragraphs [0026] and [0034], describes a method for producing a lithium ion secondary battery, including the step of preparing the stack which is formed by winding consecutively the electrode array to form a structure in which positive and negative electrodes confront each other on both sides of the separator, as shown in FIG. 3.

Contrary to Roh, independent claims 1 and 20 of the present claimed subject matter each set requires shared voltage measurement tab electrodes (ref. numerals 10-18 in Fig. 3) instead of

the positive electrode (positive electrode active material layer 32) or the negative electrode (negative electrode active material layer 33). Moreover, in terms of arrangement, as depicted in Fig. 1 of the present application, the shared voltage measurement tab electrodes of the present claimed subject matter are disposed at “deviated” positions in the direction D1 intersecting the stack direction D3, whereas the positive and negative electrodes of Roh “confront” each other on both sides of the separator. See Fig. 3 of Roh. Thus, Applicants submit that Roh fails to disclose or suggest the structural elements and arrangement of the present claimed subject matter. Based upon the arguments submitted *supra*, it should be apparent that a *prima facie* basis to deny patentability to the claimed subject matter has not been established for want of the requisite factual basis. Accordingly, the rejection of claims 1, 4-12 and 20 should be withdrawn.

Claims 2 and 3 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Roh in view of Dahlstrand et al. (U.S. Pat. No. 3,208,772). Applicants respectfully traverse.

Claims 13 and 17-19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Roh in view of Nakagawa et al. (U.S. Pat. App. Pub. No. 2003/0232237). Applicants respectfully traverse.

Claims 14-16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Roh in view of Nakagawa et al. and further in view of Wariishi et al. (U.S. Pat. No. 6,406,817). Applicants respectfully traverse.

Applicants incorporate herein the arguments previously advanced in traversal of the rejection of claims 1, 4-12 and 20 under 35 U.S.C. § 103(a) predicated upon Roh. The secondary and tertiary references to Dahlstrand, Nakagawa and Wariishi do not cure the argued deficiencies of Roh. Thus, even if the applied references are combined as suggested by the Examiner, and Applicants do not agree that the requisite realistic motivation has been established, the claimed

invention will not result. *Uniroyal, Inc. v. Rudkin-Wiley Corp.*, 837 F.2d 1044, 5 USPQ2d 1434 (Fed. Cir. 1988). Moreover, if any independent claim is non-obvious under 35 U.S.C. § 103(a), then any claim depending therefrom is non-obvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

The separate patentability of dependent claim 7 is advocated. As described at numbered paragraph [0020] of Roh, a lithium ion secondary battery includes a positive electrode, negative electrode, a separator positioned between the positive and negative electrodes, a lithium ion-containing electrolyte and packaging material. Unlike Roh, the stack type battery of the present claimed subject matter includes the bipolar electrode 30 comprising the positive electrode active material layer 32, the current collector 31 and the negative electrode active material layer 33 laminated in this order. See also, Fig. 3 and Fig. 4.

As described in the present specification, the bipolar electrode 30 (bipolar battery) of the present invention includes shared voltage measurement tab electrodes 10-18 (Fig. 3) which permit voltages to be measured for each unit cell. Roh neither discloses or suggest shared voltage measurement tab electrodes permitting voltages to be measured for each unit cell.

It is believed that all pending claims are now in condition for allowance. Applicants therefore respectfully request an early and favorable reconsideration and allowance of this application. If there are any outstanding issues which might be resolved by an interview or an Examiner's amendment, the Examiner is invited to call Applicants' representative at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper,

Application No.: 10/644,866

including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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